

THE TOWN OF MERRIMAC

S6911 State Highway 113 - P.O. Box 115
Merrimac, WI 53561

MINUTES OF THE PLANNING & ZONING COMMISSION September 16, 2015

Present were Richard Grant, Chair; Tim Healy, Dan Purcell, John Gaedke, Dawn Peetz, and Frank Olah. Also present was Tim McCumber, Town Administrator and Natalie Bussan, Town's Attorney. Doug Hill was absent.

Chairman Grant called to order a public hearing regarding a Conditional Use Permit for an accessory structure greater than 24' x 30' x 14' on a residential property in the Residential District per Town Ordinance 7.02(3)(b); Jeffrey & Rebecca Nimmow, S7818 Ruthe Badger Lane, Merrimac, WI 53561. No one appeared. McCumber reported on correspondence received from Otto Osterland Motion to adjourn by Gaedke, second by Olah to close the public hearing. Motion passed.

Chairman Grant then called to order a public hearing regarding a Conditional Use Permit (CUP) application to construct a 180' monopole tower for telecommunication purposes on tax parcel #026-0655-00000, property owned by Edward Esch, 191 Timber Ridge, Baraboo, WI 53913. Application by Cloud 1, LLC., 130 E. Walnut St., Green Bay, WI 54301. No one appeared. No one appeared. Motion to adjourn by Gaedke, second by Purcell to close the public hearing. Motion passed.

Grant then called the commission meeting to order; McCumber certified compliance with the open meetings law. The commission considered the minutes of the July 15, 2015 meeting, a motion to approve by Gaedke, second by Purcell. Motion passed. There was no **OLD BUSINESS**. Under **NEW BUSINESS**, the commission considered an application for a Conditional Use Permit (CUP) for an accessory structure greater than 24' x 30' x 14' on a residential property in the Residential District per Town Ordinance 7.02(3)(b); Jeffrey & Rebecca Nimmow, S7818 Ruthe Badger Lane, Merrimac, WI 53561. McCumber reported the structure was destroyed by fire. The following agenda item for a CSM would resolve any setback issues the original structure had, so the Nimmows will only need a CUP to reconstruct what they had prior to the fire. A motion to recommend to the town board approval with standard conditions and the new structure cannot exceed the original footprint by Healy; second by Olah. Motion passed. The commission then considered an application for a Certified Survey Map (CSM) to adjust a property line; Jeffrey & Rebecca Nimmow, S7818 Ruthe Badger Lane, Merrimac, WI 53561. Based on the previous discussion, motion to recommend approval by Olah, second by Gaedke. Motion passed. The commission then considered an application for a Conditional Use Permit (CUP) to construct a 180' monopole tower for telecommunication purposes on tax parcel #026-0655-00000, property owned by Edward Esch, 191 Timber Ridge, Baraboo, WI 53913. Application by Cloud 1, LLC., 130 E. Walnut St., Green Bay, WI 54301. McCumber reported that under the current state law,

the town cannot deny the application based on its location in the Agricultural Conservation district. He would have Bussan explain the laws application. Ken Janzen, representing Cloud 1, LLC clarified it is a 185' with the lighting rod, not 180' as noted in the agenda. He also explained there is not enough room on top of the Village of Merrimac's water tower, which would have them set their equipment down to 75' which would not allow them to network with their other towers. The difference for the comparative report provided is a result of the grade of the land which places their proposed tower's base lower than the base of the water tower to explain the comparisons provided for coverage area. They are already have collocated on towers in Prairie du Sac and Tower Road. The proposed site allows them to connect the network to these towers. There signal is not allowed to bleed across into another county as they are currently not licensed to operate in Columbia County. Ray Bildings, also with Cloud 1, said that once they get over 200' the structure costs go up and raise challenges with lighting. He said because the tower is 80' higher than any other site in the area, the coverage should be better. This site will not require lights at its proposed height. Janzen provided a network coverage map for the commission to review. The current height and lack of tall structures, it should provide better coverage for cell carriers if they decide to collocate to this tower. Bussan reported that they have already demonstrated that collocate options are not available and the water tower is not very feasible. If they can establish any one of three criteria in state law, the town cannot deny the application. She did note that the court has not yet issued any determinations of what financially burdensome means. Healy noted there is a private strip nearby. Janzen reported the FAA will review the application and determine if any lights are required on the tower as a result of that air strip. The diameter of the pole is about 4-5 feet. The foundation will be about 20x20x6' deep. A motion by Grant to recommend approval of the Conditional Use Permit to include standard language, second by Gaedke. Motion passed. Grant asked McCumber to notify Eldon McDaniel and ask about other airport operators that might be affected in the area. The commission finally considered an application for a Certified Survey Map (CSM) for the 10th addendum to Lakeview Estates Condominiums to eliminate Unit 38 and adjoin to Units 39 and 37; application by Alexander & Lynn Bromley, 2006 Mustang Dr., Prairie du Sac, WI 53578 and Todd & Tonya Lassanske, E12695 Wynding Way, Merrimac, WI 53561. McCumber report reported this is similar to other amendments to the condominium plat in that they are enlarging two existing lots. McCumber noted language by Grothman on the survey clarifies that lot 38 still exists and is subject to association fees. Motion to recommend approval by Gaedke, second by Grant with Grant adding a friendly motion identify the CSM approved by its reference number of 815-505. Gaedke confirmed the amendment. Motion passed.

Under **ADMINISTRATOR'S REPORT**, McCumber reported the town issued 42 permits year-to-date totaling \$2,739,163 in value. There were 37 permits totaling \$3,345,920 last year at this time. McCumber reported there are about 7 or 8 projects that should be coming in before year end including 1 or 2 new homes. He also noted he is reviewing the state's Ag preservation program for eligibility and will bring any zoning amendment recommendations forward after the first of the year.

Motion to adjourn by Gaedke, second by Peetz. Motion passed.